

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

DATE: February 6, 2012

**JUDGE
MICHAEL H. SCHNEIDER**

**COURT ADMINISTRATOR: Linda Pritchard
COURT REPORTER: Jan Mason**

INTERNET MACHINES, LLC vs. ALIENWARE CORPORATION, ET AL	CAUSE NO: 6:10cv23
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ATTORNEYS FOR PLAINTIFF	ATTORNEYS FOR DEFENDANTS
JOHN EDMONDS ANDREW SPANGLER CHARLES VAN CLEEF STEPHEN SCHLATHER JOHNATHAN YAZDANI MICHAEL COLLINS	JAY UTLEY TERRY SAAD BART RANKIN JOHN BUFE BRIAN McCORMACK ERIN TANNER

MINUTES OF PRETRIAL CONFERENCE

On this day, came the parties by their attorneys and the following proceedings were had:

OPEN: 9:55 A.M.		ADJOURN: 5:20 P.M.
TIME:	MINUTES:	
9:55 am	Case called. Attorneys announced present and ready.	
9:58 am	Mr. Edmonds addressed the Court regarding the proposed witness list and exhibit lists. Response by Mr. Rankin. Mr. Edmonds responded.	
10:03 am	Mr. Edmonds addressed proposed deposition designations. Mr. Spangler responded that the plaintiff's designations were Document #400.	
10:04 am	The Court inquired as to results of settlement conference. Mr. Edmonds addressed the Court regarding the settlement conference. Response by Mr. Utley.	

10:10 am	The Court addressed motion for summary judgment non-infringement and invalidity by the defendants. As to infringement, the motion is denied. As to motion for invalidity, the motion is denied.
10:13 am	The Court made additional rulings on motions to exclude expert testimony.
10:18 am	The Court addressed motions in limine. Mr. Bufe addressed the Court regarding agreement to Plaintiff's No. 5. The Court made rulings on motions in limine.
10:21 am	The Court made rulings on motions in limine.
10:42 am	Recess taken.
3:45 pm	Court reconvened.
3:47 pm	Mr. Rankin addressed the Court regarding agreements reached by the parties and remaining objections to exhibits.
3:50 pm	Mr. Edmonds addressed remaining objections to exhibits. Mr. Edmonds addressed exhibits related to third-party web sites.
4:08 pm	Response by Mr. Rankin as to third-party web sites. The Court stated that they would not be coming in as a matter of course. They would have to be authenticated and called into question some way as to reliability.
4:09 pm	Mr. Rankin further addressed the Court as to third-party web sites.
4:15 pm	Mr. Edmonds addressed interrogatory responses. Response by Mr. Rankin.
4:31 pm	Mr. Edmonds further addressed objections to exhibits. Response by Mr. Rankin. Response by Mr. Edmonds. The Court will withhold ruling.
4:36 pm	Mr. Edmonds addressed the Court regarding authentication of PLX records. Response by Mr. Rankin.
4:48 pm	Recess taken.
4:57 pm	Court reconvened.
4:57 pm	Mr. Edmonds addressed the Court regarding additional exhibits to be submitted with the goal of having less exhibits and less objections.
4:59 pm	The Court ordered the parties to submit by 2:00 p.m. on Thursday a joint report on those exhibit items that are agreed on and disagreements. The Court wants deposition designations with agreements and disagreements and why they think it should be admissible.
5:02 pm	Trial will begin on Tuesday, February 21 st at 1:30 p.m. The jury will consist of 7 people. Each side will have 15 hours, exclusive of opening statements, voir dire and closing arguments. Each party will be charged time for objections, other than objections to preserve an objection will be charged against the losing side. Court

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	will start at 8:30 each morning and go to 5:30 in the afternoon. Lunch break will be an hour and fifteen minutes. Voir dire will be 30 minutes per side. Opening statements will be 20 minutes per side and the parties will be allowed to argue their case during opening statements. Each side will have roughly 30 seconds before each witness begins testimony to make a short statement announced to the jury as to who the witness is and the relevance of their testimony.
5:09 pm	The Court expects the parties to have the witnesses ready to come into the courtroom at the conclusion of the prior witness' testimony.
5:10 pm	Final arguments will be 30 minutes per side. Notebooks are to be prepared for the jury containing the court's construction, patents, writing pads and anything else agreed upon by the parties.
5:16 pm	Mr. Edmonds requested expert reports be provided at noon on Tuesday and stated it had been agreed by the defendants.
5:20 pm	Court adjourned.

DAVID J. MALAND, CLERK

By: Linda Pritchard
Courtroom Administrator